

1 Lawrence Hinkle (SBN 180551)
lhinkle@sandersroberts.com
2 Stephanie Jones Nojima (SBN 178453)
sjonesnojima@sandersroberts.com
3 **SANDERS ROBERTS LLP**
1055 West 7th Street, Suite 3200
4 Los Angeles, CA 90017
Telephone: (213) 426-5000
5 Facsimile: (213) 234-4581

6 Attorneys for Plaintiffs and Cross-
Defendants
7 **HIDDEN EMPIRE HOLDINGS, LLC;**
HYPER ENGINE, LLC, AND DEON
8 **TAYLOR AND THIRD-PARTY**
DEFENDANT ROXANNE TAYLOR

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA



13 HIDDEN EMPIRE HOLDINGS, LLC;
a Delaware limited liability company;
14 HYPER ENGINE, LLC; a California
limited liability company; DEON
15 TAYLOR, an individual,

16 Plaintiffs,

17 v.

18 DARRICK ANGELONE, an individual;
AONE CREATIVE, LLC formerly
19 known as AONE ENTERTAINMENT
LLC, a Florida limited liability
20 company; ON CHAIN
INNOVATIONS, LLC, a Florida
21 limited liability company,

22 Defendants.
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CASE NO. 2:22-cv-06515-MWF-AGR

Assigned for all purposes to the
Honorable Michael W. Fitzgerald

**DECLARATION OF LAWRENCE C.
HINKLE, II IN SUPPORT OF
REQUEST FOR ZOOM STATUS
CONFERENCE**

[Filed Concurrently with Request for
Zoom Status Conference]

Complaint Filed: September 12, 2022
Trial Date: December 10, 2024



1 DARRICK ANGELONE, an individual;
2 AONE CREATIVE LLC, formerly
3 known as AONE ENTERTAINMENT
4 LLC, a Florida limited liability
5 company; ON CHAIN INNOVATIONS
6 LLC, a Florida limited liability
7 company

8 Counterclaimants,

9 HIDDEN EMPIRE HOLDINGS, LLC;
10 a Delaware limited liability company;
11 HYPER ENGINE, LLC; a California
12 limited liability company; DEON
13 TAYLOR, an individual,

14 Counterclaim
15 Defendants,

16 DARRICK ANGELONE, an individual;
17 AONE CREATIVE LLC, formerly
18 known as AONE ENTERTAINMENT
19 LLC, a Florida limited liability
20 company; ON CHAIN INNOVATIONS
21 LLC, a Florida limited liability
22 company,

23 Third-Party Plaintiffs,

24 v.

25 ROXANNE TAYLOR, an individual,

26 Third-Party Defendant

DECLARATION OF LAWRENCE C. HINKLE, II

I, Lawrence C. Hinkle, II, declare as follows:

1. I am an attorney admitted to practice in all the Courts in the state of California, and am an attorney at Sanders Roberts LLP, counsel of record for Plaintiffs Hidden Empire Holdings, LLC. (“HEFG”), Hyper Engine, LLC (“Hyper Engine”) and Deon Taylor. I offer this Declaration in support of Plaintiffs’ Request for Zoom Status Conference. The facts set forth in this declaration are based on my personal knowledge, except where otherwise noted, and, if called to testify, I could and would competently testify thereto.

2. A true and correct copy of the transcript of the March 18, 2024 hearing is attached hereto as Exhibit 1.

3. Following the March 18, 2024 hearing, and the Court’s March 20, 2024 Order directing Sean Merrick to appear at the evidentiary hearing concerning HEFG’s Motion for Terminating Sanctions, my law partner Stephanie Jones Nojima and I communicated with counsel for Defendants by email about Mr. Merrick and whether he will testify at the evidentiary hearing. A true and correct copy of said emails that were exchanged during the period March 21, 2024 through March 28, 2024 are attached hereto as Exhibit 2.

Executed this 28th day of March, 2024, at Los Angeles, California.

Lawrence C. Hinkle, II

Lawrence C. Hinkle, II



Exhibit 1

108:57:59

UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

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HONORABLE MICHAEL W. FITZGERALD, U.S. DISTRICT JUDGE

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HIDDEN EMPIRE HOLDINGS, LLC,)
et al.,)

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Plaintiffs,)

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vs.)

2:22-CV-6515-MWF

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DARRICK ANGELONE, et al.,)

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Defendants.)

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REPORTER'S TRANSCRIPT OF HEARING

14

Los Angeles, California

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Monday, March 18, 2024

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AMY DIAZ, RPR, CRR, FCRR
Federal Official Reporter
350 West 1st Street, #4455
Los Angeles, CA 90012

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Please order court transcripts here: www.amydiazfedreporter.com

1 APPEARANCES OF COUNSEL:

2 For the Plaintiffs:

3
4 SANDERS ROBERTS LLP
5 By: Lawrence Hinkle, Attorney at Law
6 Stephanie Nojima, Attorney at Law
7 1055 West 7th Street, Suite 3200
8 Los Angeles, California 90017

9 For the Defendants:

10 KRAMER DEBOER & KEANE
11 By: Sandra Calin, Attorney at Law
12 21860 Burbank Boulevard, Suite 370
13 Woodland Hills, California 91367

14 LAW OFFICES OF JT FOX APC
15 By: Justin Kian, Attorney at Law
16 556 South Fair Oaks Avenue, Suite 444
17 Pasadena, California 91105
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109:10:38 THE CLERK: Calling item number one, case number
209:10:41 CV-22-6515-MWF, Hidden Empire Holdings, LLC vs. Darrick
309:10:48 Angelone, et al.

409:10:50 Counsel, please rise and state your appearance for
509:10:53 the record.

609:10:53 MR. HINKLE: Good morning, Your Honor. Lawrence
709:10:55 Hinkle appearing on behalf of the plaintiffs.

809:10:56 MS. NOJIMA: Good morning, Your Honor. Stephanie
909:10:58 Nojima, also appearing on behalf of the plaintiffs.

1009:11:00 THE COURT: Good morning.

1109:11:05 MS. CALIN: Good morning, Your Honor. Sandra Calin
1209:11:09 for the defendants.

1309:11:10 MR. KIAN: Good morning, Your Honor. Justin Kian
1409:11:14 for the defendants.

1509:11:14 MS. CALIN: Mr. Angelone is also here.

1609:11:16 THE COURT: Good morning, Mr. Angelone, and good
1709:11:16 morning, counsel.

1809:11:17 We are here on the motion for sanctions arising for
1909:11:23 two reasons, the first, the alleged violation of the
2009:11:28 preliminary injunction; and second, the discovery violation
2109:11:36 by way of spoliation.

2209:11:38 So I've given you a tentative. It does seem to me
2309:11:42 that sanctions would be available for either of those
2409:11:50 reasons, and I've indicated what I think the attorney's fees
2509:11:55 should be.

109:11:56 So let me hear first for counsel for the defendants.

209:12:02 MS. CALIN: Thank you, Your Honor.

309:12:03 There are a couple of issues, and I think as I
409:12:08 mentioned in my brief, there are factual issues. I think
509:12:12 that Mr. Angelone can address some of the factual issues.
609:12:16 And I believe Your Honor asked him to be here, I assume for
709:12:20 that reason.

809:12:20 So there are a number of issues. First, with
909:12:25 respect to the Google Workspace account, we submitted the
1009:12:27 report of our expert, Rick Watts, who has indicated that he
1109:12:33 looked at the Google activity logs. This is attached to the
1209:12:38 supplemental declaration as an exhibit, and it's Mr. Watts's
1309:12:43 final report at page 14, paragraph 39. And he states that
1409:12:50 the Google Workspace activity log does not show that
1509:12:56 Mr. Angelone accessed the site, and did any deletion of any
1609:13:00 of the workspace; and in fact, he could not find any evidence
1709:13:03 that the workspace had been deleted.

1809:13:06 THE COURT: I mean, then where is the information
1909:13:08 then?

2009:13:09 MS. CALIN: I'm sorry?

2109:13:10 THE COURT: Where is it?

2209:13:11 MS. CALIN: I don't know.

2309:13:14 THE COURT: But Google says the only way it could
2409:13:16 have been deleted would have been for the administrator, or
2509:13:18 the one phrase, the super administrator. There was no

109:13:21 administrator except for Mr. Angelone.

209:13:23 MS. CALIN: Well, at that time, I don't believe
309:13:25 Mr. Angelone was the administrator on October 10th when this
409:13:28 was supposedly deleted. He was not the administrator.

509:13:31 THE COURT: But what I'm saying is that no one else
609:13:34 was the administrator because there was either a lapse or it
709:13:38 reverted back to him.

809:13:40 MS. CALIN: Roxanne Taylor was the administrator at
909:13:44 that point, but she had been named the administrator, I
1009:13:47 believe on October 6th.

1109:13:47 Is that correct?

1209:13:47 MR. ANGELONE: October 6th.

1309:13:48 MS. CALIN: October 6th she was named the
1409:13:50 administrator.

1509:13:51 THE COURT: Yeah, but was never able to exercise
1609:13:52 that on evidence that is largely undisputed.

1709:13:57 But anyway, go ahead with your argument, please.

1809:13:59 MS. CALIN: So the other issues, Your Honor has
1909:14:03 imposed a course of sanctions for each day that Mr. Angelone
2009:14:07 does not do certain things, and it's his contention that he
2109:14:10 could not do those things.

2209:14:12 The supposed nine Icelandic domains that need to be
2309:14:18 returned to the plaintiffs, he has no access to those. They
2409:14:21 are owned by Sean Merrick, and he has -- he has the documents
2509:14:26 to show that Mr. Merrick is now the owner of those domains.

109:14:30 Mr. Angelone cannot transfer them.

209:14:33 THE COURT: All right. Let me -- and I'll --
309:14:37 certainly, you will have much more opportunity to argue, but
409:14:41 let me just briefly hear from the plaintiffs in regard to two
509:14:45 things: One is Mr. Watts's report, and why you feel it
609:14:51 doesn't, at a minimum, raise factual issues; and then second,
709:14:54 this assertion that we just heard about the owner of the
809:14:58 domains.

909:14:59 MR. HINKLE: Thank you, Your Honor.

1009:15:01 First, with respect to Mr. Watts's report, we
1109:15:06 consider the entire report to be unreliable for numerous
1209:15:10 respects: Mr. Watts's report does not address most of the
1309:15:16 evidence that was presented showing that the Google Workspace
1409:15:20 account was deleted.

1509:15:22 For example, there isn't a single reference in his
1609:15:25 report to all of the notes that Your Honor referenced from
1709:15:28 Google, stating that only the administrator of the account
1809:15:33 can delete the account; and also, that it was the prior
1909:15:38 administrator, who was only Mr. Angelone, that could delete
2009:15:42 the account.

2109:15:43 There are numerous more examples of that, and
2209:15:46 Mr. Watts seemingly focuses on one issue, which is the
2309:15:50 administrator logs, which he claimed was the only evidence
2409:15:57 that shows that Mr. Angelone did not delete the account.

2509:16:02 But even that, Your Honor, was refuted by the

109:16:05 evidence, including all of the ISP logs.

209:16:10 One of the things that jumps out at you when you
309:16:13 read Mr. Watts's report, is his own statement that
409:16:18 Mr. Angelone received his administrative privileges back on
509:16:26 October 7th. That is in Mr. Watts's report. However,
609:16:30 Mr. Angelone in his declaration states that he gave Ms.
709:16:34 Taylor the administrator rights back on the 6th. Obviously,
809:16:39 that is in conflict, and obviously, it's another indication
909:16:42 that Mr. Angelone is not telling the truth. And then there
1009:16:46 is no explanation from Mr. Watts as to what happened after
1109:16:52 that.

1209:16:53 Mr. Watts also does not even address the notion that
1309:17:00 Google returned the -- or the new account that Mr. Angelone
1409:17:05 is saying that Ms. Taylor received was the account that was
1509:17:10 the new account that was only available because Mr. Angelone
1609:17:16 had deleted the account.

1709:17:17 I mean, so we could go on and on and on with
1809:17:20 different examples as to why Mr. Watts's report is entirely
1909:17:26 unreliable, and in essence, to the extent he does say things,
2009:17:32 they are consistent with the plaintiffs' position in this
2109:17:34 case.

2209:17:35 THE COURT: All right. Let me -- let's go back to
2309:17:38 the defense.

2409:17:39 What further arguments on the defense, and why there
2509:17:42 is not clear and convincing evidence of the violations of

109:17:46 both the preliminary injunction and then the spoliation.

209:17:50 MS. CALIN: Your Honor, it's our position that a lot
309:17:55 of the information that Ms. Burke, plaintiffs' expert, is
409:18:00 relying on is not based on actual facts, but on speculation.

509:18:05 As Mr. Watts -- and I disagree with Mr. Hinkle
609:18:09 regarding Mr. Watts's report. I believe that he did address
709:18:13 all of the points in Ms. Burke's report, and he found that
809:18:19 there was absolutely no actual hard evidence to show that
909:18:25 Mr. Angelone accessed the Google Workspace account and
1009:18:30 deleted it.

1109:18:31 And I think for a full inquiry we need to at least
1209:18:35 have a hearing with all the parties -- we haven't even taken
1309:18:39 depositions yet, so we don't know what Ms. Taylor did with
1409:18:42 respect to her use of the Workspace. Her declaration
1509:18:46 contains a number of allegations which my client disputes.
1609:18:51 And I think we need to be able to depose the experts, both
1709:18:56 experts, both Ms. Burke and Mr. Watts, to explain the reasons
1809:18:59 for their findings. And this is just simply too early a
1909:19:05 stage to grant this kind of very severe sanction to
2009:19:08 Mr. Angelone.

2109:19:09 This is an area that is highly complex, and frankly,
2209:19:15 I'm not sure I completely understand how these domains work.
2309:19:19 But the fact is, you have to look at what is available in
2409:19:24 terms of the forensic evidence.

2509:19:27 And what Mr. Watts has said is looking at the

109:19:31 documents produced by Google, there is simply no evidence
209:19:34 that Mr. Angelone actually did have the kinds of privileges,
309:19:37 or that he did delete the Workspace. And I think that it's
409:19:43 conjecture to say that he did.

509:19:45 If Your Honor would like, you can certainly ask
609:19:49 Mr. Angelone questions regarding that issue.

709:19:52 THE COURT: Look, if he -- if we are going to go
809:19:55 down that route, then he'll be put under oath. He will
909:19:59 testify. He will be subject to the penalties for perjury.
1009:20:02 He will be cross-examined. He will face the risk of my
1109:20:05 sending the transcript to the U.S. Attorney's Office for
1209:20:08 their examination. I'm just not going to ask him questions
1309:20:10 while he's sitting there.

1409:20:12 The -- look, Mr. Angelone may face sanctions, either
1509:20:25 because of the attorney's fees, or because of what the jury
1609:20:28 is instructed in regard to the spoliation.

1709:20:31 The greater risk to him is obviously the violation
1809:20:35 of the preliminary injunction, because that was not an order
1909:20:39 from the plaintiffs, it was an order of the Court.

2009:20:42 And I'll impose the money. If he says, which might
2109:20:47 be plausible, especially if he's going to owe a huge amount
2209:20:50 in attorney's fees, that he simply can't afford that amount,
2309:20:53 then the default would be to imprison him, the same way
2409:20:57 someone who doesn't testify. I can certainly do that on
2509:21:01 civil. And I will give a pen and the documents he needs to

109:21:05 transfer everything, and he'll either cooperate with that, or
209:21:07 he won't, and he'll sit in jail until he's willing to do
309:21:10 that. I won't do that without obviously hearing -- letting
409:21:14 him be examined and cross-examined, but that is the risk that
509:21:17 he's facing. It's a much greater risk than the spoliation.

609:21:21 Even if I were to credit what Mr. Watts is saying
709:21:23 about the spoliation, and it seems to me the plaintiffs have
809:21:26 done a good job of indicating why it was deleted, and the
909:21:30 only possible person was Mr. Angelone, like I said, that is
1009:21:36 simply not enough, because there is still all the other
1109:21:39 issues which have been raised, including the links to his
1209:21:44 house and to the alias, which he has admitted under oath that
1309:21:47 he used.

1409:21:48 So I haven't heard you address that at all.

1509:21:50 MS. CALIN: Your Honor, so again, this use of the
1609:21:53 Jacky Jasper name, Mr. Angelone testified in the prior case
1709:21:58 not that he was Jacky Jasper, but that I believe that he was
1809:22:02 associated with that name through another individual.

1909:22:04 THE COURT: And in this case, he testified by
2009:22:07 signing a declaration under oath that he had nothing to do
2109:22:09 with that name. Those two things seem flatly inconsistent.

2209:22:13 And I remind you that it is possible, for a perjury
2309:22:16 violation, to convict solely on the basis of two flatly
2409:22:22 inconsistent statements under oath. The jury is free to
2509:22:25 convict for perjury if on one occasion the defendant said the

109:22:30 light is red -- was red, and on the second occasion said the
209:22:34 light was green, without having to find beyond a reasonable
309:22:37 doubt whether the light was red or green. The jury doesn't
409:22:39 find that the light was red or green, the jury determines
509:22:42 that the defendant is lying.

609:22:45 MS. CALIN: I understand, Your Honor.

709:22:46 Again, it's Mr. Angelone's position that the name
809:22:50 Jacky Jasper is used by this individual Sean Merrick, who
909:22:54 also owns the so-called nine Icelandic domains.

1009:22:59 And, again, Mr. Angelone has no control over those.
1109:23:02 We have documents to show that those domains are registered
1209:23:05 to an individual named Sean Merrick.

1309:23:07 THE COURT: And have those been provided to the
1409:23:09 defense? I mean, to the plaintiffs?

1509:23:16 MR. ANGELONE: It's their discovery.

1609:23:16 MS. CALIN: Apparently, this is the plaintiffs'
1709:23:18 discovery. It was sent to counsel. Precise Subpoena Service
1809:23:28 subpoenaed these records, and they were sent to plaintiffs'
1909:23:30 counsel.

2009:23:30 THE COURT: All right. Again, what is the
2109:23:33 plaintiffs' response to Sean Merrick?

2209:23:40 MR. HINKLE: Thank you, Your Honor.

2309:23:44 Jacky Jasper is a, at least a moniker pseudonym used
2409:23:51 by Angelone in numerous ways over the course of many, many
2509:23:55 years. The subpoena return that counsel for the defendant is

109:24:00 referring to provides a lot of information about who the
209:24:05 owner of the Icelandic domain is.

309:24:09 On that subpoena return, there are numerous
409:24:11 references to Jacky Jasper. There is an e-mail address for
509:24:17 Jacky Jasper. There is the owner, the owner, the
609:24:20 organization that is referred to as the owner of the -- all
709:24:25 of the domains is Jacky Jasper.

809:24:28 THE COURT: Counsel, my question was about Sean
909:24:30 Merrick.

1009:24:31 MR. HINKLE: I believe that there is a name Sean
1109:24:35 Merrick on the return, and all that name -- we don't know who
1209:24:40 Sean Merrick is, but the point, Your Honor, is simply that,
1309:24:46 again, we have a connection between Mr. Angelone, and the
1409:24:51 name Jacky Jasper, and the Icelandic domains.

1509:24:57 Whether Sean Merrick is an actual real person or
1609:25:00 not, we don't know. We certainly looked for a person named
1709:25:04 Sean Merrick; haven't found a person named Sean Merrick. But
1809:25:08 even if Sean Merrick is an actual person, we know that Sean
1909:25:12 Merrick is related to Jacky Jasper based on the returns. And
2009:25:16 we also know that Your Honor -- in Your Honor's order, that
2109:25:20 the conduct of Mr. Angelone would violate the preliminary
2209:25:28 injunction if, in fact, there is another person aiding and
2309:25:31 abetting him in the course of his violations.

2409:25:34 THE COURT: All right. And what is the -- thank
2509:25:37 you, counsel. What is the plaintiffs' position as to who

109:25:40 Sean Merrick is, why he would have an interest in these
209:25:44 domain names, what prompted him to get involved in this?
309:25:47 What is -- or is the plaintiff -- I mean, is the defense
409:25:51 position here that Sean Merrick is just as great a mystery to
509:25:58 the defense as he is to the plaintiffs?

609:26:01 MS. CALIN: He's a real person, Your Honor, and
709:26:03 Mr. Angelone knows him.

809:26:04 At the very least, what we would like to do is allow
909:26:08 time to submit this information to Your Honor to take a look
1009:26:12 at.

1109:26:12 In fact, the name Jacky Jasper has been used by
1209:26:16 other individuals, as well. It's not something that is --
1309:26:19 that is only used in this instance. But Sean Merrick, who is
1409:26:25 a real person that we can try to get a declaration from
1509:26:28 Mr. Merrick -- is that possible?

1609:26:28 MR. ANGELONE: We can.

1709:26:30 MS. CALIN: We can get a declaration from
1809:26:32 Mr. Merrick indicating that he is, in fact, or he uses the
1909:26:35 name Jacky Jasper.

2009:26:37 But I can provide information to Your Honor showing
2109:26:39 that other individuals also use that name. So we cannot say
2209:26:44 that Jacky Jasper, although mentioned in this document, is
2309:26:49 Mr. Angelone, because it's used by other people, as well.

2409:26:52 THE COURT: All right. By noon tomorrow, you
2509:26:54 will -- you may submit those documents, but you will also put

109:26:58 in a submission to the Court, and obviously then serve and
209:27:02 provide to the plaintiffs, who Sean Merrick is, every means
309:27:08 you have of what his address is, what his telephone number
409:27:12 is, what his e-mail is, any other means that you have of
509:27:17 contacting him, and he'll be subpoenaed, and we'll have an
609:27:20 evidentiary hearing. And Mr. Angelone will be able to
709:27:22 testify, Mr. Merrick will testify, the two experts will
809:27:25 testify. And I will then make findings of fact and
909:27:28 conclusions of law.

1009:27:29 And if I find that there is clear and convincing
1109:27:31 evidence that the preliminary injunction was violated, I will
1209:27:34 then hold Mr. Angelone in contempt and start, as the law
1309:27:42 requires, with monetary sanctions to coerce his compliance.

1409:27:46 If he is unable to pay those sanctions, or refuses
1509:27:49 to do so, then I'll imprison him until he hands over the
1609:27:53 domains.

1709:27:54 MS. CALIN: Your Honor, if there is an evidentiary
1809:27:56 hearing, will we be given sufficient time to arrange for the
1909:28:00 experts to be here?

2009:28:00 THE COURT: Yes. I'll let you work it out with
2109:28:04 them, but it's going to be quickly. I'll issue an order and
2209:28:10 then -- and since you are claiming that the expert testimony
2309:28:14 will relate to the spoliation, I'll hold off on that, as
2409:28:18 well, and on the attorney's fees. But I'll definitely --
2509:28:25 I'll issue -- I'll definitely want this sometime in the near

109:28:28 future. I'm going to look at my schedule. So I'll say that
209:28:32 it has to be arranged on certain dates, and then you will
309:28:34 have to talk to the experts and find out when they are
409:28:37 available, but this isn't going to drag out.

509:28:39 MS. CALIN: I understand. I understand, Your Honor.

609:28:41 So we will have a declaration submitted by noon
709:28:44 tomorrow regarding this information regarding Jacky Jasper,
809:28:47 and then we'll wait for Your Honor.

909:28:49 THE COURT: Including who Sean Merrick is. Anything
1009:28:51 you know about, you know, where does he live? What is his
1109:28:56 telephone number? What are his e-mails? Who is he? I mean,
1209:28:59 what line of work is he in? Anything which is known to the
1309:29:02 defense to establish that he is, in fact, a real person.
1409:29:07 And, again, with an aim sufficient that the plaintiffs will
1509:29:12 be able to subpoena him to the hearing.

1609:29:14 MS. CALIN: Yes. Of course.

1709:29:15 THE COURT: All right. Yes, counsel?

1809:29:17 MR. HINKLE: Just one point that I would like to
1909:29:19 respond to with respect to the Sean Merrick subpoena issue I
2009:29:23 neglected to mention. It will just be a couple of seconds.

2109:29:26 THE COURT: Yes.

2209:29:27 MR. HINKLE: First, I want to make sure that it's
2309:29:35 clear that the entirety of the return, which includes the
2409:29:40 Sean Merrick name, is already part of the record at
2509:29:42 Exhibit 58.

109:29:43 Secondly, one of the domain names that are part of
209:29:48 the record, and part of the subpoena, is connected to the
309:29:52 Sean Merrick name, is the "aventviii" domain, and that domain
409:30:00 is connected to Sean Merrick, connected to all of the Jacky
509:30:04 Jasper e-mails and companies that we referred to earlier.
609:30:08 That is also a domain that Mr. Angelone, as we noted in our
709:30:12 papers --

809:30:14 THE COURT: Yes.

909:30:14 MR. HINKLE: -- transferred to Ms. Roxanne Taylor,
1009:30:18 evidencing his control over the domains.

1109:30:22 THE COURT: All right. Yes, I saw that in your
1209:30:24 papers.

1309:30:25 All right. So I'll get out on order indicating when
1409:30:29 I'm available for the hearing. You will arrange for the
1509:30:32 experts then on that, and we will go forward.

1609:30:38 All right. Thank you, counsel.

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1 I certify that the foregoing is a correct transcript from the
2 record of proceedings in the above-titled matter.

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8 Amy C. Diaz, RPR, CRR

March 19, 2024

9 S/ Amy Diaz
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Exhibit 2

Lawrence Hinkle

From: Sandy Calin <scalin@kdeklaw.com>
Sent: Thursday, March 28, 2024 12:12 PM
To: Lawrence Hinkle
Cc: jt@jtfoxlaw.com; 'Justin Kian'; Yolanda Nelson; Stephanie Jones Nojima
Subject: RE: Hidden Empire v. AOne

Lawrence,

I agree that we disagree with what is required. Nowhere did Judge Fitzgerald indicate that he needs to examine Sean Merrick on the issues you raised in your email below. The focus should be on compliance with the Preliminary Injunction, and one of those issues of compliance is the transfer of the nine "Icelandic domains." As has been indicated before, and as I am certain FTI can confirm, five of the domains are no longer registered to anyone and your clients are free to register them.

With respect to the other four domains, Sean Merrick is prepared to transfer them to Roxanne Taylor today. There is no need for FTI to be involved. The transfer can be made by Sean Merrick directly to Ms. Taylor. Please confirm that her Namecheap username is "roxanneavent" and the transfer will be made. As I said before, Sean Merrick is not available to appear at the hearing, however once the domains are transferred, there is no need for his appearance.

Thanks,
Sandy

From: Lawrence Hinkle <lhinkle@sandersroberts.com>
Sent: Wednesday, March 27, 2024 2:42 PM
To: Sandy Calin <scalin@kdeklaw.com>
Cc: jt@jtfoxlaw.com; 'Justin Kian' <justin@jtfoxlaw.com>; Yolanda Nelson <ynelson@kdeklaw.com>; Stephanie Jones Nojima <sjonesnojima@sandersroberts.com>
Subject: RE: Hidden Empire v. AOne

[EXTERNAL SENDER]

Sandy –

Thanks for your patience with me getting back to you. We disagree with your assessment of what is required.

First, because Judge Fitzgerald ordered Sean Merrick to appear at the evidentiary hearing, Defendants cannot unilaterally determine that his appearance is not necessary. Also, because Judge Fitzgerald stated the parties can seek to reschedule the hearing, Defendants cannot avoid having Mr. Merrick testify by claiming he is unavailable.

You state that there is no need for Mr. Merrick's testimony because of his representations regarding the 9 HEFG domains. That is not an accurate representation of why Judge Fitzgerald stated Mr. Merrick must appear to testify. During the hearing, Judge Fitzgerald raised a number of concerns about Mr. Merrick such as the following:

- 1) Who is Mr. Merrick and what is his relationship to Defendant Darrick Angelone?
- 2) What does Mr. Merrick do for a living?
- 3) Why does Mr. Merrick have an interest in the domains at issue?
- 4) What prompted Mr. Merrick to get involved with the HEFG dispute?

We expect these and other issues to be addressed through Mr. Merrick's live testimony at the hearing – through both direct and cross-examination. A declaration alone is not sufficient.

Therefore, we again ask that you provide dates Mr. Merrick is available to testify. If we do not receive dates from you by 10:00 am tomorrow morning, we will immediately seek the Court's assistance to resolve this issue.

We are still waiting for you to provide Mr. Merrick's availability for a call with FTI to discuss the transfer of the HEFG domains in his possession to HEFG. Please provide those dates to us by 10:00 am tomorrow morning as well.

Also, whether Mr. Merrick knows our clients or has worked with them in the past is irrelevant. Nonetheless, we can confirm that our clients do not believe they know Mr. Merrick or have ever worked with him. What information are you relying on to state they worked together?

Sincerely,

 **Lawrence C. Hinkle II**, MANAGING PARTNER
lhinkle@sandersroberts.com

Sanders Roberts LLP
1055 West 7th Street, Suite 3200 | Los Angeles, CA 90017
p 213 426 5000 x 2210 | f 213 234 4581 | sandersroberts.com

From: Sandy Calin <scalin@kdeklaw.com>
Sent: Monday, March 25, 2024 2:30 PM
To: Lawrence Hinkle <lhinkle@sandersroberts.com>
Cc: jt@jtfoxlaw.com; 'Justin Kian' <justin@jtfoxlaw.com>; Yolanda Nelson <ynelson@kdeklaw.com>; Stephanie Jones Nojima <sjonesnojima@sandersroberts.com>
Subject: RE: Hidden Empire v. AOne

Lawrence,

As I said in my earlier email, Mr. Merrick is not available to testify. I will find out his availability to speak with FTI to turn over the four domains he currently owns. I am sure FTI can verify that the other five domains are available and not registered to anyone. I can certainly advise the court that Mr. Merrick is not available to testify, and if FTI can confirm that the five domains are unregistered and available, and that Mr. Merrick can communicate with FTI to turn over the four domains that he does own, there is no need for his testimony.

Mr. Merrick knows your clients and has worked with them in the past. If the issue with these nine domains can be resolved now, we will so advise the Court.

Thanks,
Sandy

From: Lawrence Hinkle <lhinkle@sandersroberts.com>
Sent: Monday, March 25, 2024 2:22 PM
To: Sandy Calin <scalin@kdeklaw.com>
Cc: jt@jtfoxlaw.com; 'Justin Kian' <justin@jtfoxlaw.com>; Yolanda Nelson <ynelson@kdeklaw.com>; Stephanie Jones Nojima <sjonesnojima@sandersroberts.com>
Subject: RE: Hidden Empire v. AOne

[EXTERNAL SENDER]

Hi Sandy –

Good afternoon. We were actually still waiting to hear back from you regarding when all three of your witnesses are available for the evidentiary hearing, including Sean Merrick, Darrick Angelone and Rick Watts. To date, you have not advised when Mr. Merrick is available. As you know, the Court ordered all of them to testify.

Have you communicated with Mr. Merrick about his availability for the evidentiary hearing? If so, what is he saying about his availability?

We do not believe it wise for the parties to appear at the evidentiary hearing without having confirmed that all of the witnesses, including Mr. Merrick, will appear to testify. If you are unable to confirm a date Mr. Merrick will appear, then we should advise the Court of that as soon as possible so the Court can weigh in on the matter.

With respect to the four domains Mr. Merrick is willing to turn over to HEFG, that is something FTI will handle. Please let us know Mr. Merrick's availability for a call with FTI.

We look forward to hearing from you.

Sincerely,



Lawrence C. Hinkle II, MANAGING PARTNER
lhinkle@sandersroberts.com

Sanders Roberts LLP
1055 West 7th Street, Suite 3200 | Los Angeles, CA 90017
p 213 426 5000 x 2210 | f 213 234 4581 | sandersroberts.com

From: Sandy Calin <scalin@kdeklaw.com>

Sent: Monday, March 25, 2024 12:51 PM

To: Stephanie Jones Nojima <sjonesnojima@sandersroberts.com>; Lawrence Hinkle <lhinkle@sandersroberts.com>

Cc: jt@jtfoxlaw.com; 'Justin Kian' <justin@jtfoxlaw.com>; Yolanda Nelson <ynelson@kdeklaw.com>

Subject: RE: Hidden Empire v. AOne

Stephanie and Lawrence,

Where do we stand with changing the date? Mr. Angelone and Mr. Watts are available on April 9 or 11. Unfortunately Sean Merrick is not available on either date. However, below is the current status of the nine domains in question:

- a. Hiddenempiremediagroup.com
 - Updated 7/7/22
 - Cannot see an ownership transfer
 - May have been an Email account change
 - Registration expired 8/6/23
 - is available (not registered) since 9/19/23
- b. Hiddenempiremedia.com
 - Updated 9/29/2023 hosting moved to new server, company in Germany (SEDO GMBH)
 - remains registered with Name Cheap
 - Is currently registered with Name Cheap
- c. Hiddenempirereleasing.com

- 4/26/23 possible account email change
 - 2/26/24 registration renewed
 - Updated 9/29/2023 hosting moved to new server, company in Germany (SEDO GMBH)
 - remains registered with Name Cheap
 - Is currently registered with Name Cheap
- d. Hiddenempireproductions.com
- 4/26/23 possible account email change
 - 9/29/2023 hosting moved to new server, company in Germany (SEDO GMBH)
 - 1/22/24 registration renewed
 - remains registered with Name Cheap
 - Is currently registered with Name Cheap
- e. Hiddenempire.productions
- Cannot see an ownership transfer
 - 8/8/23 auto renewed
 - Is available (not registered)
- f. Hiddenempire.media
- Cannot see an ownership transfer
 - 8/8/23 auto renewed
 - Is available (not registered)
- g. Hiddenempiremedia.group
- Cannot see an ownership transfer
 - 8/8/23 auto renewed
 - Is available (not registered)
- h. Hiddenempire.studio
- Cannot see an ownership transfer
 - 8/8/23 auto renewed
 - Is available (not registered)
- i. Hiddenempire.org
- 9/29/2023 hosting moved to new server, company in Germany (SEDO GMBH)
 - 1/18/24 registration renewed
 - remains registered with Name Cheap
 - Is currently registered with Name Cheap

As indicated in Mr. Merrick's Declaration, five of the domains are available and may be registered by your clients. With respect to the other four, he is prepared to hand them over to your clients. Please let me know how best to accomplish this.

Thanks,
Sandy

From: Stephanie Jones Nojima <sjonesnojima@sandersroberts.com>
Sent: Thursday, March 21, 2024 2:49 PM
To: Sandy Calin <scalin@kdeklaw.com>; Lawrence Hinkle <lhinkle@sandersroberts.com>
Cc: jt@jtfoxlaw.com; 'Justin Kian' <justin@jtfoxlaw.com>; Yolanda Nelson <ynelson@kdeklaw.com>
Subject: RE: Hidden Empire v. AOne

[EXTERNAL SENDER]

Hi Sandy-

We will check with Erin Burke to see if she is available on the alternate dates you propose. Are Sean Merrick, Mr. Angelone, and Rick Watts all available on April 9, 11 or 12? Also, you previously sent us a meet and confer letter

requesting further discovery responses by today, March 21, 2024. As we've previously discussed, we believe the parties should focus on the pending motion first and then address your discovery. We remain willing to meet and confer with you over our objections but think those discussions should be tabled until after we have a final ruling on the pending motion.

Best,
Stephanie



Stephanie Jones Nojima, PARTNER
sjonesnojima@sandersroberts.com

Sanders Roberts LLP
1055 West 7th Street, Suite 3200 | Los Angeles, CA 90017
p 213 426 5000 x 9052 | f 213 234 4581 | sandersroberts.com

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From: Sandy Calin <scalin@kdeklaw.com>

Sent: Thursday, March 21, 2024 2:27 PM

To: Lawrence Hinkle <lhinkle@sandersroberts.com>; Stephanie Jones Nojima <sjonesnojima@sandersroberts.com>

Cc: jt@jtfoxlaw.com; 'Justin Kian' <justin@jtfoxlaw.com>; Yolanda Nelson <ynelson@kdeklaw.com>

Subject: Hidden Empire v. AOne

Lawrence and Stephanie,

In Judge Fitzgerald's recent order setting the evidentiary hearing for April 10, neither JT nor I are available that day. He did say he would entertain changing the date. We would be available on April 9, 11 or 12. Are you available on those dates?

Thanks,
Sandy

Sandra Calin
Partner



Kramer, deBoer & Keane, LLP

21860 Burbank Boulevard, Suite 370, Woodland Hills, CA 91367
Tel: (818) 657-0255 | Fax: (818) 657-0256

50 California Street, Suite 1500, San Francisco, CA 94111

Tel: (415) 933-7855 | Fax: (415) 933-7850

Cell: (818) 469-6255 | scalin@kdeklaw.com

Los Angeles | Riverside-San Bernardino | Orange-San Diego | Northern California | Nevada

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 1055 West 7th Street, Los Angeles, CA 90017. My electronic service address is rbruton@sandersroberts.com.

On March 28, 2024, I served the following document(s) described as
DECLARATION OF LAWRENCE C. HINKLE, II IN SUPPORT OF REQUEST FOR ZOOM STATUS CONFERENCE on the interested parties in this action as follows:

JEFFREY S. KRAMER, ESQ.
SANDRA CALIN, ESQ.
KRAMER, DEBOER & KEANE
A Limited Liability Partnership
Including Professional Corporations
21860 Burbank Boulevard, Suite 370
Woodland Hills, California 91367
Tel: (818) 657-0255
Fax: (818) 657-0256
jkramer@kdeklaw.com
scalin@kdeklaw.com

*Attorneys for Defendants, Darrick Angelone,
AOne Creative, LLC, On Chain Innovations,
LLC*

J. T. FOX, ESQ.
JUSTIN KIAN, ESQ.
LAW OFFICES OF JT FOX, APC
556 S. Fair Oaks Avenue, Suite 444
Pasadena, California 91105
Telephone: (888) 750-5530
Fax: (888) 750-5530
jt@jtfoxlaw.com

*Co-Counsel for Defendants, Darrick
Angelone, AOne Creative, LLC, On Chain
Innovations, LLC*

☒ **VIA ELECTRONIC MAIL** I caused the documents to be transmitted electronically through the approved vendor for e-filing by electronic service on the party(s) identified on the attached service list using the e-mail address(es) shown I did not receive, within a reasonable time after transmission, any email or other indication that the transmission(s) were unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 28, 2024, at Los Angeles, California.

Rhonda Bruton

(Type or print name)

Rhonda Bruton

(Signature)

